



STATE OF MAINE  
DEPARTMENT OF ADMINISTRATIVE & FINANCIAL SERVICES  
DIVISION OF PURCHASES  
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March 10, 2009

To: Maine Departments and Agencies

From: Betty M. Lamoreau, Director, DAFS, Division of Purchases *B.M.L.*

Subject: American Recovery and Reinvestment Act – Procurement Guidance

The Division of Purchases is committed to helping agencies purchase goods and services authorized in the stimulus package efficiently and in full compliance with state procurement law. Notwithstanding that the Recovery Act encourages prompt action, federal guidance for the use of the stimulus funding makes it clear that the need to act expeditiously is insufficient justification to make awards on a non-competitive basis. States are expected to follow the same laws, principles, procedures and practices in the expenditure of stimulus funding that they follow when using other funds. In planning the purchase of services with stimulus funding, please understand that:

- Competitive bidding is required by state law. State agencies expecting stimulus funding for **new or expanded** services should prepare the required Requests for Proposals (RFP), and submit them for State Purchases Review Committee (SPRC) approval as soon as possible. Please mark such RFPs "Stimulus Funds" on the cover page to ensure prompt handling.
- Contracts must be approved by the SPRC before the beginning date of the contract, and agencies must ensure that none of the work identified in the contract is undertaken prior to SPRC approval. The SPRC will approve no contract submitted for review after the beginning of the stated term of the contract, or on which work has begun without its authorization. The BP37R accompanying stimulus fund contracts must include the words "Stimulus Funds" at the beginning of the Substantiation of Need section to ensure prompt handling.

In planning the purchase of tangible goods with stimulus funding, please understand that:

- Competitive bidding is required for all purchases in excess of the \$5,000 open market limit, except for printing and for apparel, textiles and footwear, which must be purchased through the Division of Purchases regardless of dollar amount.
- Requisitions (RQS) for commodity purchases over \$5,000.00 should include the words "Stimulus Funds" in the Document Description to ensure prompt handling.

Please share the attached processing instruction documents with appropriate staff. Any clarification about the procurement of goods and services with stimulus funds should be directed to the Division of Purchases at (207) 624-7340, at which time your call will be routed as appropriate. Thank you.

# Stimulus Funds 2009 Procurement Processing Instructions

## Service Procurement

As part of the Governor's Executive Order DAFS, Division of Purchases has developed some additional contract language which is reflected in the attached modified Rider C. Please use this modified Rider C when developing contracts that utilize American Recovery and Reinvestment Act of 2009 funds. (See page 3 for an example)

In addition when submitting your agreement to the Division of Purchases please make sure to annotate your BP37R in section titled Substantiation of Need with the words "STIMULUS FUNDS FY 2009" in addition to the required substantiation of the need for the contracted services. This will allow us to readily identify these agreements. (See page 4 for an example)

When entering your CT document in AdvantageME please type "STIMULUS FUNDS FY 2009" in the Document Description field located on the header page. If you use the Document Description field for your own internal tracking then just make the stimulus notation after your own internal designation. *Example: DHHS Medical consulting John Doe MD **STIMULUS FUNDS FY 2009***

## Commodity Procurement

When entering your commodity documents in AdvantageME please type "STIMULUS FUNDS FY 2009" in the Document Description field located on the header page. If you use the Document Description field for your own internal tracking then just make the stimulus notation after your own internal designation. *Example: DAFS, Multiple Widgets, **STIMULUS FUNDS FY 2009***

RIDER C  
EXCEPTIONS TO RIDER B

American Recovery and Reinvestment Act of 2009, Vendor Obligations

1. Since this agreement contains ARRA stimulus funds, the vendor will post any jobs that it creates or seeks to fill as a result of the stimulus funding. Vendors will post to Maine Career Centers <http://www.mainecareercenter.com/> notwithstanding any other posting they might make. Any advertisements posted by the vendor for positions pursuant to this contract must indicate that the position is funded with stimulus funds. The department may waive the requirements of this section at its discretion.
  
2. The vendor will maintain detailed records of their expenditure of 2009 Stimulus Funds in connection with this agreement and submit as reports as requested by the State of Maine. The State of Maine as the recipient of funds under the ARRA is subject to quarterly reporting requirements and oversight by federal agency inspectors. Additional reports may be required under this agreement.
  - a. Optional reports may be requested at the department's discretion including:
    - i.
    - ii.
    - iii.
    - iv.
    - v.
  
3. Agreement Funding

a. State General Fund Dollars	_____
b. Federal Fund Dollars	_____
c. ARRA Stimulus Dollars	_____
d. Other Fund Dollars	_____
 Agreement Total	 _____

**CONTRACT/GRANT DESIGNATION AND****REQUISITION  
AUTHORIZATION****FOR****CONTRACT/GRANT**Date:  
AdvantageME CT #:**PART ONE****CONTRACT/GRANT DESIGNATION – Check ONE of the following options:**☐ The document is a **Contract**

The principal purpose of this relationship is to purchase, lease, or barter property or services for the direct benefit of the government.

☐ The document is a **Grant**

The principal purpose of this relationship is the transfer of money, property, services, or anything of value to the recipient in order to accomplish a public purpose of support—with no substantial involvement between the state agency or department and the recipient during the performance of the activity.

**PART TWO****REQUISITION FOR CONTRACT/GRANT AUTHORIZATION**

Department:

Contractor:

Services:

Dept Contact Name:

Dept Contact Telephone:

Contract/Amd Amount:

Contract Start Date:

Contract End Date:

NOTE: Respond to all questions below applicable to this contract. Additional pages may be attached as necessary.**SUBSTANTIATION OF NEED:** (Include statutory cite, cost savings, if any, and history of the contracting relationship)

STIMULUS FUNDS FY 2009

*In addition to making the statement about stimulus fund you will still need to put the customary language describing the services including statutory citations, cost savings and any history of the contracting relationship in this section.***IMPACT ON CIVIL SERVICE SYSTEMS:** (Describe any displacement/dislocation of State employees)**EMPLOYER/EMPLOYEE RELATIONSHIP BETWEEN STATE AND CONTRACTOR:****EFFECT ON STATE AFFIRMATIVE ACTION EFFORTS:****JUSTIFICATION FOR SOLE SOURCE PROCUREMENT:** (If applicable)**EVIDENCE OF PRIOR/SCHEDULED RFP, OR OTHER COMPETITIVE PROCESS:**